UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1999/514
6 May 1999

ORIGINAL: ENGLISH

REPORT OF THE SECRETARY-GENERAL ON THE SITUATION IN TAJIKISTAN

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1206 (1998) of 12 November 1998 by which the mandate of the United Nations Mission of Observers in Tajikistan (UNMOT) was extended to 15 May 1999. It brings up to date the record of developments in Tajikistan and the activities of the United Nations Mission of Observers in Tajikistan since my interim report of 8 February 1999 (S/1999/124).

II. MAIN DEVELOPMENTS

2. The situation in the country has remained relatively calm. The Commission on National Reconciliation (CNR), with UNMOT's active support and that of the Contact Group of Guarantor States and International Organizations, made renewed efforts to advance the implementation of the peace agreement and achieved some movement on both military and constitutional issues. However, it has continued to be difficult to translate agreements and decisions into concrete action.

3. On 2 March, President Emomali Rakhmonov and members of the Cabinet met with the leadership of the CNR and the Contact Group to discuss ways of expediting the peace process. President Rakhmonov issued a number of instructions to his Cabinet and to the CNR. These were to (a) implement the Amnesty Law by 12 March with respect to the 90 cases pending under article 4 (criminal charges); (b) provide to the office of the President the names of all registered United Tajik Opposition (UTO) fighters with pending amnesty cases; (c) finalize the pending nomination of 13 UTO members to high-level posts, and for Mr. Nuri to review again their qualifications; (d) begin discussion by 13 March on the incorporation of UTO representatives into regional governmental structures; (e) expedite the discussion on amendments to the constitution within the CNR; (f) reinstate UTO members and sympathizers to their former positions in the Government; (g) reinstate 44 UTO members to their previous positions in the so-called power structures (army, police, security); (h) begin, at the earliest possible date, the reconstruction of homes destroyed during the civil war; (i) complete by 12 March the attestation process in Garm, Tajikabad, and Jirgital; and (j) continue discussion between Mr. Nuri and the President on the appointment of Commander Mirzo Ziyoev to the defence portfolio. The President

instructed those present to make a full report on progress on these items by 12 March. There has been some follow-up but many of these issues remain pending.

Constitutional reform

4. The main step forward was an agreement on constitutional reform which the CNR submitted to President Rakhmonov on 26 March for his approval. The CNR agreed (a) that nominations to the posts of President, members of Parliament and local governmental bodies be made by political parties or individuals, (b) to retain the presidential system for the executive, while proposing (c) a professional (full-time) bicameral parliament. It further proposed (d) that the power to nominate judges should be transferred from the Minister of Justice to a new Supreme Judicial Council that would be appointed by the President, based on nominations from a number of bodies (Parliament, High Courts, Academy of Science, the Bar and Court Association), that (e) the power to appoint the chiefs of the district executives should be shifted from President to local elected bodies. Finally, the CNR recommended (f) changes be introduced in chapter II of the Constitution on individual freedoms, which would address the issue of the secular character of the State.

5. In his reply on 3 April, President Rakhmonov partially rejected the changes proposed under point (d) and rejected all proposed changes under points (e) and (f). As for the nomination of candidates (a), he said it be should be regulated by law. He accepted a professional parliament (c), but noted that the Government did not currently have the financial means to implement the provision.

6. The UTO members of the CNR expressed dismay at President Rakhmonov's swift rejection of compromise proposals reached after 14 months of often difficult debate. The chairman of the legal subcommission of the CNR, who also heads the Islamic Revival Party, the largest political party in the UTO, pointed out that the Government's representatives on the CNR had supported the proposals, and proposed that the President and the CNR meet to discuss them. He has since submitted his resignation from the CNR, but it was not accepted by the Islamic Revival Party. At the time of reporting, the matter remains pending, which threatens to make it impossible for Parliament to consider the amendments at its May session. This would, in turn, delay the holding of the constitutional referendum, which is to be preceded by a three-month period of public debate, and consequently of parliamentary elections. The Government has suspended the activities of a number of political parties, citing various charges, including the violation of provisions of the Law on Political Parties, adopted last November.

7. Underlying much of the debate on constitutional reform is a latent dispute between the Government and UTO over the order in which elections are to take place. The Government side wishes the election of the President - his term expires in November - to come first, to ensure that a constitutionally elected executive is in place, bearing in mind that the UTO has so far retained its military capacity. For its part, the UTO wishes the parliamentary election to precede that of the President out of concern that the President, if re-elected, might be emboldened to consider the power-sharing agreement to have been

superseded. Consequently, it regards the President's rejection of relatively modest constitutional amendments as a move to delay the parliamentary election. These concerns are reinforced by the very slow implementation of the Amnesty Law and of the integration of its fighters into the State's power structures.

8. Meanwhile, the United Nations and the Organization for Security and Cooperation in Europe (OSCE), the two Organizations requested under the peace agreement to provide support for elections, have agreed on a joint effort to encourage preparations for the holding of credible elections that can be accepted by all, including those who may be disappointed by the outcome. A first team of experts will travel to Tajikistan to focus on the procedural aspects of the preparations, including legislation related to elections, the registration of parties and voters, and complaint procedures. A second team will focus on the conditions pertaining to voter information and education, freedom of expression and equitable access to the media, registration of parties and candidates, and the deployment of domestic observers/party agents to monitor the ballots. A third team will then assess the overall situation, including security, on the basis of which a decision will be made regarding the final commitment and extent of the two Organizations' involvement. This phased approach has been adopted in an effort to get preparations for the elections under way, even if the formal conditions for elections are not yet in place.

Military issues

9. According to the CNR, 6,238 fighters have been registered and medically examined and have taken the oath of service, of whom 2,309 have been vetted by the Joint Central Review Commission of the Military Subcommission; 1,917 have been relieved from further service. In accordance with the Protocol on military issues (S/1997/209, annex II), such vetting was to take place in stage III of the process of reintegration and demobilization, but in view of the delay resulting from the deficiencies in the implementation of phases I and II (only partial assembly and collection/storage of arms), this work has been begun, although the other phases are not yet formally completed. The Commission has also vetted 3,736 government servicemen, of whom 74 were demobilized.

10. Also according to the CNR, 2,375 UTO fighters have been assigned to regular units, as follows: Ministry of Defence - 460 integrated and 464 in the process; Ministry of Interior - 304; Tajik Border Forces - 1,107; and the Committee on Emergency Situations - 40. While progress has been made with the effective integration of the personnel assigned to the Tajik Border Forces, the others are not, so far, under proper command and control, nor are they being paid or otherwise supported. UNMOT has no independent means of verifying the numbers provided by the CNR above.

11. This has created discontent among the fighters. On 7 April, nine field commanders in the Leninsky and Kofarnikhon districts addressed to UNMOT and other recipients a letter in which they expressed their concern about the delays affecting the reintegration of the fighters and complained that ex-UTO fighters who had gone to live with their families were being targeted by the police. Several had been arrested and one had been killed. They criticized the UTO leadership and called for its resignation, should it prove unable to correct the situation.

12. The lack of support for their fighters and the absence of any further appointments of UTO personalities in accordance with the power-sharing agreement has deepened suspicion of the Government among UTO field commanders and diminished their support for the peace process generally. This is particularly pronounced in the Darband and Tavildara areas. The latter area is controlled by the UTO's chief of staff, who had been proposed for the defence portfolio under an understanding between the parties that a UTO member would be appointed to head a power ministry. President Rakhmonov has rejected this nomination.

13. Both the Government and the UTO have expressed concern that the situation might deteriorate and have asked for international assistance to support the fighters. It will be recalled that temporary assistance for UTO personnel was originally envisaged in the context of strict implementation of the Protocol on military issues (notably the quartering of the fighters, registration and control of their arms, adherence to the six-month timetable), and UNMOT did provide food and other necessities until its limited means, which were meant to bridge only the first two months, were exhausted. In the present circumstances, the United Nations has explained to the Tajik parties that the international community could not be expected to subsidize armed forces for an indeterminate period. However, the United Nations would make renewed efforts to obtain funds for reconstruction and other projects (e.g., food for work, food for training, land-lease projects) designed to create jobs for former fighters in order to enable them to return to civilian life. One such project, which will create jobs for up to 500 persons for 12 months, is being launched in the Karategin Valley, starting with Jirgital, by the United Nations Office for Project Services (UNOPS), using funds donated by Norway ($500,000) and the United States ($345,000).

Contact Group

14. The Contact Group continued its active political work in promoting implementation of the peace agreement. It held periodic joint plenary meetings with the CNR to review progress in certain areas, e.g., the implementation of the military protocol or political issues. These meetings have added impetus to the process and have been welcomed by the parties. The last such meeting was held on 15 April to review the peace process as a whole. Mr. Jan Kubiš, my Special Representative, has kept in touch with the Government of Uzbekistan, which has not been represented in the Contact Group since November 1998 (S/1999/124, para. 14).

15. On 27 April, the Contact Group issued a statement in which it made a number of specific recommendations and suggestions on matters requiring action. Among other things, the Contact Group recommended that the referendum on constitutional amendments be held at the latest by August 1999 and that President Rakhmonov's instructions of 2 March should be expeditiously completed, particularly as regards attestation, integration of fighters, amnesty, and the reinstatement of UTO members to their previously held positions. The Contact Group further suggested that all registered weapons be actually stored and guarded in the assembly areas and that this be verified by the CNR. The Contact Group also called for the expeditious and full implementation of the Amnesty Law as well as further action on appointments of UTO members at all levels of government. It also recommended that the media improve its credibility by being

accessible to all segments of the social and political spectrum, and urged both parties to take further steps to incorporate into the peace process various political and social actors to broaden its base and to strengthen civil accord in Tajikistan.

Refugees

16. The United Nations High Commissioner for Refugees continued to support the return of refugees from the countries of the Commonwealth of Independent States (CIS). In the course of 1999, 4,000 refugees from Turkmenistan, 1,000 from Kyrgyzstan and 1,000 from Kazakhstan are expected to return; 1,800 homes (benefiting 15,000 refugees who have returned to the country since the signing of the peace agreement) have been reconstructed or repaired. Lack of funds has hampered the reconstruction of the remaining 4,500 houses, of which 2,000 were to be completed in 1998.

Humanitarian activities of the United Nations system

17. The World Bank has earmarked $95 million for structural reforms, disaster relief, educational reform, rehabilitation of private farms, and enhancement of organizational capabilities of the Government.

18. The United Nations Development Programme, in conjunction with the World Bank, financed a survey on living conditions in Tajikistan which was launched with a pilot questionnaire in March. The results of the survey will allow the Government to review its poverty strategy and better focus on vulnerable groups.

19. The 1999 Consolidated Interagency Appeal for Tajikistan has generated only $617,045, some 2.5 per cent of the total funds requested. In this connection, I would call upon Member States to contribute promptly and generously to the humanitarian action plan outlined in the Appeal.

III. SECURITY

20. Security was better than in earlier periods. However, the situation remained tense, and there were some incidents which were politically motivated.

21. On 26 March, after a month-long trial, the Supreme Court of Tajikistan found the three men accused of the killing of four UNMOT personnel on 20 July 1998 guilty of murder and related charges and sentenced them to death. The trial was open to the public, and UNMOT observed the proceedings. In a letter to President Rakhmonov, I deplored in the strongest terms the horrific crime which had been committed and which will remain a source of pain not only for the families of those killed but also for the United Nations and other organizations that sacrifice so much in sending staff into volatile areas to assist in conflict resolution and peace-building. At the same time, noting that the United Nations has, as a matter of principle, consistently maintained its opposition to the death penalty, I appealed to the President to consider commuting the death sentence imposed by the Supreme Court.

22. On 30 March, a prominent member of Parliament was killed by unknown gunmen. On 28 April, armed men associated with a former opposition commander attacked a police post in Yavan district, some 40 kilometres south-east of Dushanbe, taking six policemen hostage. The commander demanded the release of four persons belonging to his group whom the Government had arrested. A joint commission comprising Government and UTO members was formed to deal with the situation. On 2 May, four of the hostages were released. On 5 May, the remaining two were released in exchange for the four persons who had been arrested.

23. On 10 April, an employee of a foreign non-governmental organization was stopped between Komsomolabad and Obi-Garm by a group of armed men who threatened to kill all international personnel entering that area. The incident occurred on a stretch of the main east/west axis that is not under effective control of any responsible authority and has traditionally been the site of incidents. A ban on movement in that sector remains in effect for United Nations and related personnel.

IV. ORGANIZATIONAL MATTERS

24. As of April 1999, UNMOT comprised 165 civilian staff, of whom 49 were internationally recruited, and 29 military observers from Austria (2), Bangladesh (3), Bulgaria (3), the Czech Republic (2), Denmark (2), Ghana (2), Indonesia (2), Jordan (4), Nepal (2), Nigeria (2), Poland (1) the Ukraine (2), and Uruguay (2). A three-member medical unit from Jordan and Bangladesh is included in the above numbers. In addition, there are two civilian police officers from Austria and Poland, respectively. Brigadier-General John Hvidegaard from Denmark replaced Brigadier-General Tengku Ariffin bin Tengku Mohammed as Chief Military Observer on 1 April. Mr. Jan Kubiš continued as my Special Representative.

25. UNMOT is currently making preparations to reopen some of its field offices, beginning with Khorog and then Khujand. UNMOT is in touch with the local authorities to make arrangements for the security of its personnel. It is expected that the field offices will be operational by June.

26. UNMOT continued to cooperate closely with OSCE on matters relating to constitutional reform, democratization and elections. It maintained close contact with the CIS Collective Peacekeeping Forces regarding the maintenance of the ceasefire and security, and remained in touch with the Russian Border Forces on matters of mutual concern. The CIS Forces currently comprise the 201 Motorized Division from the Russian Federation and a small battalion from Kazakhstan. The latter is deployed on the border to Afghanistan and is actually under the operational control of the Russian Border Forces.

V. FINANCIAL ASPECTS

27. The General Assembly, in its resolutions 52/229 B of 26 June 1998 and 53/19 of 2 November 1998, appropriated a total amount of $20 million gross for the maintenance of UNMOT for the period from 1 July 1998 to 30 June 1999. The proposed budget for the maintenance of UNMOT from 1 July 1999 to 30 June 2000

has been submitted to the General Assembly for its consideration. The cost of maintaining UNMOT for the 12-month period is estimated at $19,109,400 gross. Therefore, should the Security Council decide to extend the mandate beyond 15 May 1999, the cost of maintaining the Mission would be limited to the amounts indicated above.

28. As at 15 April 1999, unpaid assessed contributions to the Special Account for UNMOT from the inception of the Mission to 15 May 1999 amounted to $3.7 million, which represents some 7 per cent of the assessment for the Mission. The unpaid assessed contributions for all peacekeeping operations amounted to $1.6 billion.

VI. OBSERVATIONS

29. The peace process in Tajikistan has made some progress, although it continued to be held back by a deep-seated lack of confidence between the parties. The preoccupations of the two sides have also further delayed the inclusion in the political process of other parties, in accordance with the commitment that the CNR should engage in a broad dialogue with all elements of the political spectrum. I consider the launching of such a dialogue essential if the outcome of the peace process is to find lasting acceptance within the Tajik body politic.

30. UNMOT, in close cooperation with OSCE and the other members of the Contact Group, has been assisting the parties in overcoming obstacles and contributing to an atmosphere conducive to finding agreed solutions. The reopening of field offices, made possible by the relative calm in Tajikistan, should strengthen the mission in this regard.

31. In approving UNMOT's mandate by its resolution 1138 (1997), the Security Council adopted a strategy that rests on two pillars. UNMOT's activities, which are funded through assessed contributions, make up one pillar. Support for the demobilization of fighters and for elections makes up the second pillar, which is funded from voluntary contributions. Except for the project mentioned in paragraph 13 above, the second pillar remains extremely weak, due to lack of voluntary contributions.

32. It is understandable that donors are reluctant to invest in a process whose outcome still seems uncertain. On the other hand, donor support is crucial precisely in order to achieve a positive outcome. Projects for demobilization such as the one UNOPS is launching in Jirgital are key in this regard, and should be duplicated in other areas where the security situation permits it. Similarly, under present arrangements, any international role in elections will also require voluntary contributions. I call on Member States to make available the relatively modest means that are required. The experience in Tajikistan has shown the drawbacks of funding essential elements of a mandate through voluntary contributions, rather than through assessed contributions, as is the case in other peacekeeping operations.

33. The Contact Group has continued to play an important role. I fully support the line it has taken and believe that a meeting at the level of Foreign

Ministers, which was agreed in principle last summer, could lend further impetus to the peace process.

34. The peace process in Tajikistan continues to require direct international attention and support. I therefore recommend that UNMOT's mandate be extended for another six months, until 15 November 1999.

35. In conclusion, I wish to pay tribute to Mr. Kubiš, my Special Representative, and to the men and women serving with UNMOT for the manner in which they have performed their difficult duties and stood up to the dangers they continue to face. I also wish to express my appreciation to the countries contributing personnel to UNMOT for their understanding and their support for this difficult operation.

Map No. 3887 Rev. 19 UNITED NATIONS
May 1999

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UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/515
6 May 1999
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 5 MAY 1999 FROM THE PERMANENT REPRESENTATIVE OF THE SUDAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

1. On instructions from my Government, I have the honour to transmit to you herewith the text of a release issued by Akin, Gump, Strauss, Hauer & Feld, L.L.P., attorneys at law in Washington, D.C., concerning the decision of the United States Department of Justice and the United States Treasury to unfreeze the accounts of businessman Salah Idris, owner of the Shifa pharmaceutical plant in the Sudan destroyed by the United States on 20 August 1998 acting on the basis of false allegations (see annex I).

2. The release states that the United States Department of Justice has informed attorneys for the owner of the Shifa pharmaceutical plant that the Office of Foreign Assets Control (OFAC) has ordered that the block placed on his bank accounts in the United States be lifted immediately. It goes on to say that the order was issued on the same day that the Government was required to serve its answer in the civil suit filed by Mr. Idris on 26 February 1999 against OFAC.

3. The release explains that OFAC is the unit within the United States Department of the Treasury charged with enforcement of anti-terrorism sanctions and that the United States Government had portrayed Mr. Idris as an associate of Osama bin Laden and a supporter of international terrorism. Although the plant's owner had never been designated a terrorist or otherwise associated with terrorism, OFAC and the Department of the Treasury had nevertheless maintained a block on his bank accounts for more than eight months.

4. When, according to the release, the Government failed to answer a legal challenge to its action freezing Mr. Idris's accounts, it chose not to make any attempt to justify its actions against him. Instead, the unblocking of Mr. Idris's accounts by the United States effectively removes any suggestion that Mr. Idris has at any time maintained a relationship with Osama bin Laden or any terrorist group or organization.

5. I also transmit to you herewith the text of an article by the Washington correspondent of the British newspaper The Independent that was published in its issue for 4 May 1999 under the headline "US admits Sudan bombing mistake" (see annex II).

6. The article states that this embarrassing reversal means that the United States has virtually no evidence to support its claim that the missile attack was a strike against terrorism. It goes on to say that the affair is already the subject of congressional inquiries and may result in the departure of some senior White House officials.

7. Finally, I am also forwarding to you the text of an article from The Washington Times for 5 May 1999 (see annex III) quoting the remarks of Mr. George Salem, one of the attorneys for the plant's owner. Mr. Salem says that the decision to bomb the plant was "based on very circumstantial evidence, all of which we have been able to refute". He added: "But I am concerned about the awesome power of a few individuals to make these kinds of decisions in a vacuum. ... Because of the unique circumstances of the White House at the time, which was under political siege, hawks were able to convince otherwise cautious people to act".

8. It is of the utmost importance for us to remind the distinguished members of the Council that ever since the letter dated 21 August 1998 from the Minister of State at the Ministry of Foreign Affairs of the Sudan addressed to the President of the Council (S/1998/786, annex), the Sudan has repeatedly assured the Council that the pretexts given by the United States for the bombing of the Shifa plant were flimsy, unsupported by any material evidence and based on misleading intelligence, that the claims made by the United States that the plant was owned by Osama bin Laden and the allegations concerning its products were completely devoid of truth and that the United States had no supporting evidence for such charges and lacked the minimum requirements for proof.

9. As the members of the Council will recall, the United States addressed a letter to the President of the Council on 20 August 1998 (S/1998/780), the same day the Shifa plant was attacked, seeking to justify its wanton aggression and claiming that the attack had taken place in exercise of the right to self-defence in accordance with Article 51 of the Charter of the United Nations. The letter went on to say that the Government of the United States had obtained convincing information from a variety of reliable sources that the Osama bin Laden network included the facility that had been attacked in the Sudan. This invalidates the claim that the Government of the United States was exercising its right to self-defence and confirms that it was acting on the basis of false information.

10. Now, in a manner entirely incompatible with the foregoing and with the statements from the United States that we have been providing to the Council since August 1998, there comes today, Wednesday, 5 May 1999, a statement by the spokesman for the United States Department of State denying that the decision of the United States Administration to unfreeze the plant owner's accounts means that it has begun to doubt the reasons that impelled it to destroy the plant. The spokesman went on to say that that matter was unrelated to the decision to attack the Shifa plant; that, in fact, what they did to the plant was not based on its being owned by the man in question; and that he thought they had made it clear at the time that they had only found out that he (i.e. Mr. Salah Idris) owned the plant after the strike had taken place.

11. While it appreciates the wise decision taken by the United States agencies concerned to set matters right, the Sudan affirms that this decision has provided cogent and irrefutable proof of what the Sudan has for long been saying and communicating to the Security Council on this issue.

12. I should be grateful if you would have this letter and its annexes circulated as a document of the Security Council.

(Signed) Elfatih Mohamed Ahmed ERWA
Permanent Representative

Annex I

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P
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TREASURY DEPARTMENT UNFREEZES BANK ACCOUNTS OF SUDAN PHARMACEUTICAL PLANT OWNER

FOR IMMEDIATE RELEASE:
May 3, 1999

Contact: Kristen M. White
(202) 887-4536

(Washington, D.C.) -- The Department of Justice today informed attorneys for Saudi businessman Saleh Idris, owner of the pharmaceutical plant in Sudan that was destroyed by U.S cruise missiles on August 20, 1998, that the Office of Foreign Assets Control ("OFAC") has ordered that the block placed on his U.S. bank accounts be lifted immediately.

The order was issued on the same day that the Government was required to serve its answer in the civil suit filed by Idris on February 26, 1999, against OFAC and its Director, Richard Newcombe. That action, filed in the U.S. District Court for the District of Columbia, demanded the release of more than $24 million in bank deposits at the Bank of America that had been frozen by order of OFAC, the unit within the Department of the Treasury charged with enforcement of anti-terrorism sanctions. A companion case was filed at the same time by Idris against Bank of America in the U.S. District Court for the Northern District of California in San Francisco. With the full and unconditional release of Idris' bank accounts, both actions will now be voluntarily dismissed.

In the days following the missile strike on his pharmaceutical factory, Mr. Idris, a Saudi banker and international businessman, was portrayed by the Government as an associate of Osama bin Laden and a supporter of terrorism. Although Saleh Idris was never designated a terrorist or otherwise associated with terrorism, OFAC and the Department of the Treasury maintained a block on his bank accounts for more than eight months. Faced with the need to answer a legal challenge to its action freezing Mr. Idris' Bank of America accounts, the Government chose not to make any attempt to justify its actions against Mr. Idris. Instead, today's order lifting all restrictions on the Bank of America accounts also effectively removes any suggestion that Mr. Idris has, at any time, maintained a relationship with Osama bin Ladin or any terrorist group or organization.

In acknowledging today's action, Mr. Idris said, ". . . n grateful that the United States has taken the honorable course and has corrected, in part, the serious harm that has been done to my family and our good name. While I understand that the United States must wage a vigorous fight against terrorism, in this case a grave error has been made. Today's action represents an important first step in the process of correcting this mistake."

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US admits Sudan bombing mistake

[Latest News From Sudan At Sudan.Net]

News Article by The Independent on May 04, 1999 at 13:53:24:

US admits Sudan bombing mistake

By Andrew Marshall in Washington
The Independent

In an admission that last year's missile attack on a factory in Sudan was a mistake, the US has cleared the man who owned the plant of any links to terrorism.

The embarrassing reversal means that the US has virtually no evidence to support its claim that the missile attack was a strike against terrorism. Most of those who have investigated the case have concluded that the US acted on faulty intelligence and that key procedures were overriden by officials in the White House. The affair is already the subject of congressional inquiries and may result in the departure of some senior White House officials.

America launched cruise missiles against targets in Afghanistan and Sudan in August last year after bomb attacks on its embassies in Nairobi and Dar es Salaam. It blamed the bombings on Osama bin Laden, the former Saudi who it accuses of backing many attacks on US targets. It said that the pharmaceutical plant in Khartoum was linked to Mr bin Laden and was used to produce chemical weapons.

The US was forced to admit within hours that the plant was not a Sudanese government facility, but a private factory belonging to Salah Idris, a Saudi businessman. But it then said that Mr Idris was himself linked to terrorism and to Mr bin Laden. It froze all of his bank accounts, including money held at Bank of America in London. Yesterday, with no public announcement or fanfare, it unfroze the accounts, admitting that no evidence existed to accuse Mr Idris.

Mr Idris hired Akin, Gump Strauss, Hauer & Feld, a top Washington law firm, to press his case. He sued Bank of

America and the US government, and hired Kroll Associates, the top private investigators, to clear him. Kroll found no evidence of any links between Mr Idris and Mr bin Laden. Yesterday, the US was due to reply to Mr Idris's law suits, but instead chose to retreat and unfreeze the accounts. "Today's order lifting all restrictions on the Bank of America accounts also effectively removes any suggestion that Mr Idris has, at any time, maintained a relationship with Osama bin Laden or any terrorist group or organisation," said Akin, Gump in a statement.

Spokesmen for Mr Idris said they were "jubilant" but that there could still be a law suit to recover compensation.

"I am grateful that the United States has taken the honourable course and has corrected, in part, the serious harm that has been done to my family and our good name," said Mr Idris yesterday from Sudan. "While I understand that the United States must wage a vigorous fight against terrorism, in this case a grave error has been made."

Britain never supported the idea that Mr Idris had links to Mr bin Laden, and he was permitted to enter and leave London (where he maintains a flat) freely.

The widespread view outside the US was that the White House had insufficient evidence for the attack.

Annex III

The Washington Times

Published in Washington, D.C. 5am -- May 5, 1999 www.washtimes.com

U.S. OKs payout for Sudan bombing 'mistake'

By Jerry Seper
THE WASHINGTON TIMES

The Clinton administration will not challenge a lawsuit filed by a Saudi businessman who said the bombing last year of his pharmaceutical plant in Sudan was a "mistake" based on faulty intelligence data.

The administration also agreed to release $24 million in assets that the businessman, Saleh Idris, had deposited in U.S. banks.

The Aug. 20, 1998, cruise missile attack, which the White House claimed was in retaliation for terrorist attacks on two U.S. embassies in Africa, came three days after President Clinton's appearance before a federal grand jury investigating his relationship with Monica Lewinsky.

Hours after his grand jury testimony, Mr. Clinton

-- Continued from Front Page --

made a dramatic address to the nation admitting an "inappropriate relationship" with the former White House intern.

The White House insisted at the time it bombed the plant, located near Khartoum, Sudan, because it was tied to international terrorist Osama bin Laden and was producing precursors to VX nerve gas. Sudan countered that the plant manufactured only pharmaceuticals and offered inspection tours for U.S. officials and reporters.

Facing a deadline to respond to the suit, filed Feb. 26, the Justice Department told Mr. Idris' attorneys on Monday that the administration had ordered that the freeze placed on his U.S. bank accounts be lifted immediately.

An administration official said yesterday the plant was targeted based on "physical and circumstantial evidence" and those involved were "totally confident" the information was correct. The official, who asked not to be identified, said the decision not to pursue the case was based on concerns that classified intelligence data and methods used to gather it would have been compromised in a court proceeding.

"We have a number of concerns about the actions and the background of Mr. Idris," the official said. "He has associated himself with people that I think that every American would find reprehensible. And we will continue to protect our national security."

But Mr. Idris' attorney, George Salem, said the government backed out because it could not prove its case.

"Faced with the need to answer a legal challenge to its actions freezing Mr. Idris' . . . accounts, the government chose not to make any attempt to justify its actions against Mr. Idris," he said. "Instead, today's order . . . effectively removes any suggestion that Mr. Idris has, at any time, maintained a relationship with Osama bin Laden or any terrorist group or organization."

White House spokesman James Kennedy did not return calls for comment.

In the suit, Mr. Idris said the government froze deposits he had at the Bank of America despite having no evidence to support accusations that the plant was tied to bin Laden or had produced precursors to nerve gas. The suit said the government wrongly portrayed Mr. Idris as an associate of bin Laden's and a supporter of terrorism.

Bin Laden is the exiled Saudi Arabian who has vowed a reign of terror to rid the Persian Gulf region of Americans.

"I am grateful that the United States has taken the honorable course and has corrected, in part, the serious harm that has been done to my family and our good name," Mr. Idris said in a statement, adding that while he understood the United States' desire to "wage a vigorous fight against terrorism," it had made a "mistake" in targeting his plant.

Mr. Salem, partner at the Washington law firm of Akin, Gump, Strauss, Hauer & Feld, said the decision to bomb the plant was "based on very circumstantial evidence, all of which we have been able to refute."

He said the United States had poor intelligence from Sudan and relied on operatives from other countries, whose data was wrong.

"Fortunately, we live in a country where we have a system of justice that requires that people produce evidence when someone is accused of being a terrorist," Mr. Salem said.

"But I am concerned about the awesome power of a few individuals to make these kinds of decisions in a vacuum," he said. "Because of the unique circumstances of the White House at the time, which was under political siege, hawks were able to convince otherwise cautious people to act."

After backing down on claims that the plant produced precursors to VX nerve gas and was connected to bin Laden, Mr. Clinton's aides later said precursors were found in soil tested at the site. But Mr. Salem noted that independent experts hired to conduct chemical examinations of the soil at the plant found no trace of substances used in chemical weapons.

U.S. cruise missiles launched from Navy ships struck the Sudanese plant and also hit terrorist training camps in Afghanistan. The attacks were the most significant military retaliation for terrorism since President Reagan sent warplanes against Libya in response to the 1986 Berlin disco bombing.

In his suit, filed in U.S. District Court in Washington, Mr. Idris demanded the release of $24 million in deposits that had been frozen by the Treasury Department's Office of Foreign Assets Control. He filed a similar suit in U.S. District Court in San Francisco against the Bank of America.

With the full and unconditional release of Mr. Idris' bank accounts, Mr. Salem said both actions would be dismissed.

Two days before the Sudan attack, independent counsel Kenneth W. Starr had pressed his case against Mr. Clinton, calling Miss Lewinsky for a return grand jury appearance to testify on gifts from Mr. Clinton that later were retrieved and to further clarify specifics of what he called an inappropriate sexual relationship. Mr. Starr also was considering subpoenaing Mr. Clinton for questions he refused to answer before the grand jury.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1999/516
6 May 1999

ORIGINAL: ENGLISH

LETTER DATED 6 MAY 1999 FROM THE PERMANENT REPRESENTATIVE OF GERMANY TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to bring to your attention the statement by the Chairman of the meeting of the G-8 Foreign Ministers held at the Petersberg Centre on 6 May 1999.

I would be grateful if the text of this letter and its annex were circulated as a document of the Security Council.

(Signed) Dieter KASTRUP
Permanent Representative

99-13259 (E) 060599

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Annex

Statement by the Chairman on the conclusion of the meeting of the G-8 Foreign Ministers held at the Petersberg Centre on 6 May 1999

1. The G-8 Foreign Ministers adopted the following general principles on the political solution to the Kosovo crisis:

- Immediate and verifiable end of violence and repression in Kosovo;

- Withdrawal from Kosovo of military, police and paramilitary forces;

- Deployment in Kosovo of effective international civil and security presences, endorsed and adopted by the United Nations, capable of guaranteeing the achievement of the common objectives;

- Establishment of an interim administration for Kosovo to be decided by the Security Council of the United Nations to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo;

- The safe and free return of all refugees and displaced persons and unimpeded access to Kosovo by humanitarian aid organizations;

- A political process towards the establishment of an interim political framework agreement providing for a substantial self-government for Kosovo, taking full account of the Rambouillet accords and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the KLA;

- Comprehensive approach to the economic development and stabilization of the crisis region.

2. In order to implement these principles the G-8 Foreign Ministers instructed their Political Directors to prepare elements of a United Nations Security Council resolution.

3. The Political Directors will draw up a roadmap on further concrete steps towards a political solution to the Kosovo crisis.

4. The G-8 Presidency will inform the Chinese Government on the results of today's meeting.

5. Foreign Ministers will reconvene in due time to review the progress which has been achieved up to that point.